

I. REMARKS

In the office action dated January 19, 2005, twenty claims were pending. Claims 1, 10, 11, and 20 were rejected. Claims 2-9 and 12-19 were objected to. Claims 1 and 11 have been amended to place this application in condition for allowance.

A. Claim Rejections Under 35 U.S.C. § 102

The allowability of claims 1-20 were withdrawn when newly discovered references to Endelman et al. The Examiner rejected claims 1, 10, 11, and 20 as broadly claimed and rejected under 35 U.S.C. § 102(a) as being anticipated by Endelman et al. Applicant respectfully traverses this rejection. The limitations found in claim 2 have been incorporated into claim 1. More specifically, claim 1 recites “wherein said longitudinal portion of said frame and said base adapted for linear motion are in combination comprised of a male and a female tube that telescope relative to one another.” Claim 12 was also cancelled to incorporate the same limitation into independent claim 11. Claims 1 and 11 were also amended to delete the limitation “a multi position lock mounted to said frame, said lock enabling a plurality of secure angular orientations relative to said frame.” Further, claims 1 and 11 state that a handle is operatively connected to the frame. These amendments are being made so that the claims are commensurate in scope with the product being manufactured currently (to the best of the undersigned’s knowledge). Applicant believes that these limitations are clearly supported by the specification.

Further, Applicant respectfully proffers that these claims are allowable because they still contain the claim limitation found allowable by the Patent Examiner. More specifically, none of the references, including Endelman, disclose an excise device where the frame and the base adapted for linear motion in combination are comprised of a male and a female that telescope relative to one another. Based upon the foregoing, Applicant respectfully contends that all the claims are now in condition for allowance.

B. Allowable Subject Matter

The Examiner stated that claims 2-9 and 12-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As previously stated, the limitations of

claims 2 and 12 were incorporated into claims 1 and 11, respectively. Applicant respectfully contends that all claims are now in condition for allowance.

C. Revocation and New Power of Attorney

Enclosed herewith is a Revocation and New Power of Attorney executed by Applicant. Applicant authorized the undersigned to represent her before the U.S. Patent and Trademark Office for this matter.

II. CONCLUSION

In response to the Office Action dated January 19, 2005, claims 2 and 12 were cancelled. Claims 1 and 11 have been amended pursuant to 37 C.F.R. 1.121. It is believed these amendments have placed the amended claims in conformance with the requirements of the Office Action. At this point, applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103, and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

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